

REMARKS

After entry of this amendment, claims 38-42 are pending. Claims 43-51 have been canceled without prejudice to future prosecution. Claim 38 has been amended to recite "SEQ ID NO:46." Support for the amendment is found in claim 38 as originally filed.

The specification has been objected to for the priority statement and for the brief description of the drawings. The claims have been rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Each of these objections and rejections is addressed below in the order presented by the Examiner.

Objections to the Specification

1. Priority Statement

The Examiner has objected to the priority statement. In accordance with the Examiner's suggestion, the priority statement at the beginning of the specification has been updated to reflect that U.S. Patent Application No. 09/072,967 is now U.S. Patent No. 6,592,877. Accordingly, Applicants respectfully request withdrawal of this objection.

2. Brief Description of the Drawings

The Examiner has objected to the Brief Description of the Drawings as not containing a description of Figures 10, 11A, 11B, and 12. The specification starting at page 7, line 19 has been amended to reflect that:

FIG. 10 illustrates the percent survival after administration of saline, AS2, AS2+Mtb39, AS2+Mtb39+Mtb32, or BCG;

FIGS. 11A and B show the results of aerosol TB challenge of vaccinated guinea pigs; and

FIG. 12 shows the results of DNA immunized mice challenged with aerosol TB (lung CFU).

Support for this amendment is found in the specification of U.S. Patent No. 6,592,877 (*i.e.*, the immediate parent of the instant application) at Col. 4 line 63 to col. 5, line 2. Accordingly, Applicants respectfully request withdrawal of this objection.

Rejection of the Claims Under 35 U.S.C. § 112, second paragraph

Claims 38-42 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite for being drawn to nucleic acids other than SEQ ID NO:46. In accordance with the Examiner's suggestion, claim 38 has been amended to recite "SEQ ID NO:46," Accordingly Applicants respectfully request withdrawal of this rejection under 35 U.S.C. § 112, second paragraph.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,



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